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Written statement* submitted by Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[20 February 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Human Rights Council should renew the mandate of the UN Special Rapporteur on Iran amid worsening human rights record

Amnesty International is concerned at the scale of human rights violations in the Islamic Republic of Iran perpetrated against the backdrop of the country's improving relations with the international community. The Iranian authorities have continued to use the death penalty against juvenile offenders at a pace that appears to be accelerating; heavily suppressed freedoms of expression, association and peaceful assembly; and imposed increasingly harsh prison sentences against peaceful activists and human rights defenders. Torture is committed with widespread impunity; and floggings, amputations and other cruel punishments continue to be imposed and carried out.

Iran has not allowed any mandate holders to visit the country since 2005. Human rights defenders who have communicated with UN human rights mechanisms have faced reprisals by the Iranian authorities.

For these reasons, Amnesty International calls on the UN Human Rights Council to renew the mandate of the Special Rapporteur on the human rights situation in Iran. This mandate has played a critical role in shedding light on violations taking place in the country and holding the authorities to account.

DEATH PENALTY

Amnesty International welcomes Iran's attempts at reducing its reliance on the death penalty for drug-related offenses. In 2017, Iranian parliamentarians amended the country's Anti-Narcotics Law to increase the amount of drugs that an accused must be in possession of for a death sentence.1 The authorities have since imposed a temporary moratorium on drug-related executions and indicated that about 15,000 individuals will have their death sentences for drug-related offenses reviewed to assess their eligibility for commutation under the amended legislation.2 If implemented properly, this will contribute to a drop in the number of executions.

Nevertheless, Iran's widespread use of the death penalty remains of great concern. Iranian law still retains the death penalty for a wide range of drug trafficking offences. Iran also continues to use the death penalty for vaguely worded offences such as "enmity against god" (*moharebeh*) and "spreading corruption on earth" (*efsad-e fel arz*), which do not amount to an internationally recognizable criminal offense. People have also been sentenced to death for the peaceful exercise of their rights to freedom of religion and belief.

Amnesty International's research has shown that judicial proceedings in death penalty cases routinely lack basic fair trial guarantees with courts relying on "confessions" extracted under torture to issue convictions.3

Despite being a party to the Convention on the Rights of the Child, the Iranian authorities have continued to use the death penalty against juvenile offenders. Between 2005 and 2018, Amnesty International recorded the execution of 88 people who were under the age of 18 at the time of the crime. This includes four in 2017 and already three to date in 2018, of **Amirhossein Pourjafar**,4 **Mahboubeh Mofidi**5 and **Ali Kazemi**.6

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1 Amnesty International, *Iran must not squander opportunity to end executions for drug-related offences* (Press release, 28 July 2017), https://www.amnesty.org/en/latest/news/2017/07/iran-must-not-squander-opportunity-to-end-executions-for-drug-related-offences/

2 "Suspending death sentences for drug-related offenses on the order of the Head of the judiciary", *Tasnim News*, 9 January, 2018, https://goo.gl/WXDMQD

3 For more information, see Amnesty International, *Iran: Broadcasting injustice, boasting of mass killing: a case study of August 2016 execution of 25 Sunni men in Iran* (Index: MDE 13/5079/2016)

4 Amnesty International, *Iran: 17-year-old boy at risk of imminent execution* (Press release, 13 October 2017), https://www.amnesty.org/en/press-releases/2017/10/iran-17-year-old-boy-at-risk-of-imminent-execution/

Amnesty International has also identified at least 80 juvenile offenders on death row, including **Abdolfazl Chezani Sharahi**,7 **Hamid Ahmadi**8 and **Abolfazl Naderi**9 who are currently at imminent risk. The real number is likely much higher.

PERSECUTION OF HUMAN RIGHTS DEFENDERS

The election of President Hassan Rouhani in 2013 gave rise to a global perception that the human rights situation in Iran may improve. In reality, however, the authorities have been ramping up already suffocating levels of repression. Since 2013, scores of human rights defenders have received harsh prison sentences for national security related offences stemming entirely from their peaceful human rights activities.10

Human rights activities increasingly cited as "evidence" of criminal activity include: discussing human rights violations on social media like Facebook or Twitter; having contact with victims of human rights violations and their families; denouncing human rights violations through media interviews; and signing petitions in support of human rights.11
Communicating about human rights concerns with nongovernmental organizations such as Amnesty International or with intergovernmental organizations such as the UN and the European Union has also become "evidence" of criminal activity. For example, the criminal case against **Narges Mohammadi**, who is serving a 16-year prison sentence, was opened after she met with the EU High Representative for Foreign Affairs in 2014.12 In another case, **Arash Sadeghi** is serving a 19-year prison sentence imposed entirely for his peaceful human rights work, including communicating with Amnesty International.13
Human rights defenders who have faced reprisal for sending information to the UN Special Rapporteur on the situation of human rights in Iran include **Mohammad Maleki**, who has been subjected to a travel ban since September 2011, and **Saeed Shirzad**, who is serving a five-year prison sentence.14

Women who have peacefully protested against compulsory veiling have also faced arbitrary detention and prosecution. Compulsory veiling has violated women's rights in Iran for decades, including their rights to non-discrimination, freedom of belief and religion, freedom of expression, and protection from arbitrary arrests and detention, torture and other ill-treatment.15

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5 "The terrible crime of a 17 year old woman, one month after the marriage", *Ham Shahr*, 20 September 2014, http://www.hamshahrionline.ir/details/272376

6 Amnesty International, *Iran: Authorities execute man in exceptionally cruel circumstances* (Press release, 30 January 2018), https://www.amnesty.org/en/latest/news/2018/01/iran-authorities-execute-man-in-exceptionally-cruel-circumstances/

7 Amnesty International, *Iran: Teen arrested at 14 still at risk of execution: Aboltazl Chezani Sharahi* (Index: MDE 13/7745/2018)

8 Amnesty International, *Iran: Further Information: Man arrested at 17 at risk of execution: Hamid Ahmadi* (Index: MDE 13/7741/2018)

9 Amnesty International, *Iran: 21-year old man arrested at 16 at risk of execution: Aboldfazl Naderi* (Index: MDE 13/7859/2018

10 For more information, see Amnesty International, *Caught in a web of repression: Iran's human rights defenders under attack* (Index: MDE 13/6446/2017

11 For more information, see Amnesty International, *Caught in a web of repression: Iran's human rights defenders under attack* (Index: MDE 13/6446/2017

12 Amnesty International, *Iran: Shameful 16-year sentence for Narges Mohammadi a devastating blow to human rights* (Press release, 28 September 2016) https://www.amnesty.org/en/latest/news/2016/09/iran-shameful-16-year-sentence-for-narges-mohammadi-a-devastating-blow-to-human-rights/

13 Amnesty International, *Iran: Further information: human rights defender being tortured in Evin*: Arash Sadeghi (Index: MDE 13/5811/2017)

14 Amnesty International, Iran vilifies human rights defenders as 'enemies of the state' (Press release, 2 August 2017), https://www.amnesty.org/en/latest/news/2017/08/iran-vilifies-human-rights-defenders-as-enemies-of-the-state/

15 Amnesty International, *Iran: Compulsory veiling is abusive, discriminatory and humiliating, end the persecution of women for peacefully protesting against it* (Index: MDE 13/7783/2018)

REPRESSION OF DECEMBER 2017 PROTESTS

The mass arbitrary arrests that followed the nationwide protests of December 2017, the lethal use of firearms by security forces against protestors, which resulted in the death of at least 25 people, and the number of deaths in custody have heightened concerns about systematic human rights violations in Iran.

According to MP Alireza Rahimi, by February 2018 some 4972 people had been arrested in relation to the protests.16 Amnesty International is alarmed at the scale of arrests, and believes that many of those arrested were targeted for peacefully protesting.

The Iranian authorities denied detainees' access to lawyers during interrogations and there are grave concerns that they may use "confessions" made under torture and other ill-treatment as "evidence" in legal proceedings.

Since the start of the crackdown, there have been at least four deaths in custody. In three of the cases – **Sina Ghanbari, Kavous Seyed-Emami** and **Vahid Heydari**, the authorities announced immediately that the deaths were the result of suicide – claims which were strongly disputed by family members and activists. On 13 January 2018, the death of a fourth man **Saro Ghahremani** who had been arrested during the protests and held in a Ministry of Intelligence facility in Sanandaj, Kurdistan province, was reported. His relatives said that his body bore marks of torture.

In all four cases, the authorities refused to allow independent investigations, including independent autopsies, and harassed and intimidated the bereaved families in an apparent effort to silence them.

Disturbingly, the authorities also resorted to propaganda tactics to demonize the deceased publicly. In the cases of Sina Ghanbari and Vahid Heydari, officials claimed that the men were "drug addicts" without elaborating on how this is relevant to the circumstances of their deaths.17 18

In the case of Saro Ghahremani, Iranian officials stated that he was the member of "an armed terrorist group" and was shot dead during the course of an armed confrontation with security forces.19 His family disputed the claim.

The authorities' refusal to handover Kavous Seyed-Emami's body to his family unless no independent autopsy took place heightened concerns that he was subjected to torture. He had been arrested on 24 January 2018 on national security charges stemming from his peaceful environmental activism. 20

CONCLUSION

Amnesty International urges the Human Rights Council to renew the mandate of the Special Rapporteur to continue the important work carried out to date. Moreover we urge the Iranian authorities to cooperate fully with this mandate, as well as other mandates, and to take the following steps:

Death Penalty

- Abolish the death penalty for all drug-related offenses as a first step to abolish the death penalty for all offenses;
- Immediately establish an official moratorium on all executions, including those of juvenile offenders, and

16 'Nearly five thousand people' were arrested during the Dey month protests, *BBC Persian*, 2 February 2018, http://www.bbc.com/persian/iran-42920679

17 "The Attorney General's explanations regarding the suicides in the recent days", *Iranian Students' News Agency*, 11 January 2018, https://goo.gl/FfhRgV

18 "Identities of detainees and those individuals who committed suicide during recent events/The situation of those cases facing prosecution", *Iranian Student' News Agency*, 14 January 2018, https://goo.gl/BeaZHQ

19 "The story of Saro Gharemani: from armed confrontation to membership in a terrorist group + his documents and photographs", Tasnim News, 15 January 2018, https://goo.gl/w1Zaf5

20 Amnesty International, *Iran: Authorities refuse to release Canadian-Iranian academic's body for independent autopsy in "callous cover-up"* (Press release, 12 February 2018), https://www.amnesty.org/en/latest/news/2018/02/iran-authorities-refuse-to-release-canadian-iranian-academics-body-for-independent-autopsy-in-callous-coverup/

commute all death sentences without delay;

- Amend Article 91 of the 2013 Islamic Penal Code (IPC) to abolish the use of the death penalty for crimes committed by individuals below the age of 18, in line with Iran's human rights obligations under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child.

Persecution of human rights defenders

- Immediately and unconditionally release all human rights defenders imprisoned solely for peacefully exercising their rights to freedom of expression, association and assembly;
- End the abuse of the criminal justice system to repress peaceful activities that promote and defend human rights, including communication with international and regional human rights mechanisms;
- End the persecution of women who oppose humiliating and discriminatory laws banning women's appearance in public without a headscarf and repeal Article 368 of the IPC.

Crackdown on protests

- Respect the right to peaceful protest and immediately and unconditionally release those held solely for peacefully taking part in demonstrations;
- Conduct independent, impartial and transparent investigations into the deaths in custody, the killings and reports of excessive or unnecessary force and ensure that anyone reasonably suspected of human rights violations is prosecuted in a fair trial;
- Protect all detainees from torture and other ill-treatment and ensure that they have access to a lawyer of their choice during interrogations.